

TELEFAX COVER SHEET
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THIS MESSAGE HAS 7 PAGES INCLUDING THIS SHEET

TO: Commissioner for Patents
FAX NO.: 703-872-9314
FROM: Steven M. Hertzberg
DATE: 5/13/03
MATTER: Serial No. 09/201,530 Filed: 11/30/98
DOCKET NO.: DIVA/173
APPLICANT: Gordon et al.

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input type="checkbox"/> Petition	<input type="checkbox"/> Transmittal Letter (2 copies)
<input type="checkbox"/> Disclosure Statement & PTO-1449	<input checked="" type="checkbox"/> Fee Transmittal (2 copies)
<input type="checkbox"/> Priority Document	<input type="checkbox"/> Deposit Account Transaction
<input type="checkbox"/> Drawings (<u> </u> sheets) informal	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
<input type="checkbox"/> RESPONSE UNDER 37 CFR 1.116	dated 5/13/03
<input checked="" type="checkbox"/> CPA REQUEST TRANSMITTAL/EXTENSION REQUEST	<input checked="" type="checkbox"/> Receipt for Facsimile Transmitted CPA

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5/13/03, Facsimile No.
703-872-9314

LAURA E. CRATER
Name of person signing this certificate

 5/13/03
Signature and date

Approved for release through 10/31/2002. OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Complete if Known

Application Number 08/201,530

Filing Date 11/30/95

First Named Inventor Gordon

Examiner Name Andrew Y. Koenig

Group / Art Unit 2811

Attorney Docket No. DIVA/173

TOTAL AMOUNT OF PAYMENT (\$) 508

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

20-0782

Deposit
Account
Name

DIVA Systems Corporation

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	375
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 375)

2. EXTRA CLAIM FEES

			Extra Claims		Fee from below		Fee Paid
Total Claims	24	-20 **	=	4	X	9	= 36
Independent Claims	4	-3 **	=	1	X	42	= 42
Multiple Dependent					X		= 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 78)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	820*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.128(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	800	189	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 55)

SUBMITTED BY

Complete if applicable

Name (Print/Type)	Steven M. Hertzberg	Registration No. Attorney/Agent	41,834	Telephone	(732)530-9404
Signature		Date	5/13/03		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Official

5-13-03
Approved for use through 10/31/2002. OMB 0651-0032PTO/SB/29 (10-00)
Approved for use through 10/31/2002. OMB 0651-0032#14
m
5-22-03**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL/EXTENSION REQUEST**

Submit an original, and a duplicate for fee processing

CHECK BOX, if applicable

☐ DUPLICATE

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

Address to:

Commissioner for Patents
Mail Stop CPA
P.O. Box 1450
Arlington, VA 22313-1450Attorney Docket No.
of Prior Application

DIVA/173

First Named Inventor

Gordon et al.

Examiner Name

Andrew Y. Koenig

Group / Art Unit

2611

TRANSMISSION.

VIA FACSIMILE

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/201,530
filed on 11/30/98, entitled METHOD AND APPARATUS FOR PRODUCING DEMAND REAL-TIME TELEVISION

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on 4/9/03 under 37 CFR 1.116 in the prior nonprovisional application
2. ☐ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

05/22/2003 SMOORE 00000001 200782 09201530

[Page 1 of 2]

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03 FC:2202 36.00 CH

04 FC:2801 375.00 CH


PTO/SB/29 (10-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

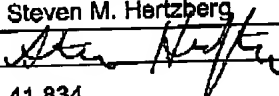
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (d))		24-20 =	4	x \$18	72.00
INDEPENDENT CLAIMS (37 CFR 1.16(e) or (f))		4 - 3 =	1	x \$84	84.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				x \$280	00.00
				BASIC FEE (37 CFR 1.16)	750.00
				Total of above Calculations =	906.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	453.00
				* Reissue claims in excess of 20 and over original patent.	
				** Reissue Independent claims over original patent.	
				TOTAL =	453.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No 20-0782:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(l) enclosed).
11. ☐ New Attorney Docket Number, if desired
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☒ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Applicants request a one (1) month extension. Please charge \$55 fee to Deposit Account 20-0782.

12. NEW CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label				or <input type="checkbox"/> New correspondence address below	
Name	MOSER, PATTERSON & SHERIDAN, LLP				
Address	595 Shrewsbury Avenue, Suite 100				
City	Shrewsbury	State	NJ	Zip Code	07702
Country	USA	Telephone	732-530-9404	Fax	732-530-9808

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Steven M. Hertzberg
Signature	
Registration No. (Attorney/Agent)	41,834
Date	5/13/03

(Page 2 of 2)

PTO/SB/29A (08-00)

Approved for use through 10/31/2002. OMB 0561-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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If this RECEIPT is included with a request for a CPA filed by facsimile transmission, it will be date stamped and mailed to the ADDRESS in item 1.

1. ADDRESS

Applicant's Mailing Address for this receipt must be CLEARLY PRINTED or TYPED in the box below.

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702

RECEIPT FOR FACSIMILE TRANSMITTED CPA

(To accompany a request for a
Continued Prosecution Application
(CPA) under 37 CFR 1.53(d) filed by
facsimile transmission)

NOTE: By this receipt, the USPTO (a) acknowledges that a request for a CPA was filed by facsimile transmission on the date stamped below by the USPTO and (b) Verifies only that the application number provided by the applicant on this receipt is the same as the application number provided on the accompanying request for a CPA. This receipt CANNOT be used to acknowledge receipt of any paper(s) other than the request for a CPA.

2. APPLICATION IDENTIFICATION:

(Provide at least enough information to identify the application)

a. For prior application

Application No: 09/201,530
Filing Date: 11/30/98
Title: METHOD AND APPARATUS FOR PRODUCING DEMAND REAL TIME TELEVISION
Attorney Docket No: DIVA/173
First Named Inventor: Gordon

b. For instant CPA application

New Attorney Docket No: _____

(if applicable)

The USPTO date stamp, which appears in the box to the right, is an acknowledgement by the USPTO of receipt of a request for a CPA filed by facsimile transmission on the date indicated below.

(THIS AREA FOR PTO DATE STAMP USE)

USPTO HANDLING INSTRUCTIONS

Please stamp area to the right with the date the complete transmission of the request for a CPA was received in the USPTO and also include the USPTO organization name that provided the date stamp (stamp may include both items). Verify that the application number provided by applicant on this receipt is the same as the application number provided by applicant on the request for a CPA accompanying this receipt. If there is an inconsistency between the application number provided on this receipt and the request for a CPA, strike through the inconsistent application number provided on this receipt and insert the correct application number, if possible. Then place in a window envelope and mail.

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